African Union

Agreement for the Establishment of the African Rehabilitation Institute (ARI)

Legislation as at 17 July 1985

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African Union

Agreement for the Establishment of the African Rehabilitation Institute (ARI)

Published

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The Contracting Parties;

RECALLING Resolution CM/Res.875(XXXVII) adopted by the OAU Council of Ministers at its Thirty-Seventh Ordinary Session and endorsed by the Assembly of Heads of State and Government at its Eighteenth Ordinary Session held in Nairobi, Kenya, in June 1981, thanking the ILO for the technical assistance it had given so far as part of the implementation of Resolution CM/Res.834(XXXVI) which recommended the establishment of an African Rehabilitation Institute (hereinafter referred to as ARI) and the strengthening of the existing centres for the treatment, re-education and socio-economic rehabilitation of disabled persons;

RECOGNISING the need for the Conference of African Ministers of Social Affairs to define, *inter alia*, guiding principles for the ARI, with the view to adopting measures to prevent disability and to rehabilitate disabled persons in Africa and, in this regard, recalling the Resolution of the Third Conference of the African Ministers of Social Affairs held in Addis Ababa, Ethiopia, in October 1980 as well as the Resolution of the OAU Labour Commission on the International Year of the Disabled Persons, adopted in April 1981, CM/Res.1140(XXXVII) and LC/Res.63(V) Annex (IV) respectively;

NOTING operative paragraph 4 of Resolution CM/Res.875(XXXVII) providing for a five member-state Ministerial *ad hoc* Committee on IYDP to help the OAU carry out programmes in favour of disabled persons in Africa;

REALISING that the establishment of an African Rehabilitation Institute will harmonise the principles and the strategy for disability prevention and the rehabilitation of the disabled, and will facilitate the training of required manpower in this endeavour as well as promote the production of indigenous material for disabled persons;

RECALLING the Cooperation Agreement concluded on 25 November 1965 between the Organization of African Unity (hereinafter referred to as the OAU) and the International Labour Organization (hereinafter referred to as the ILO) providing for cooperation between the two organizations in all matters relating to technical and social activities with a view to offering better living conditions to the African peoples;

BEARING IN MIND operative paragraph 2 of Resolution CM/Res. 375 (XXXVII) in which the OAU appeals to the UNDP, other international agencies and humanitarian organizations to contribute financially towards the establishment of this Institute and the strengthening of the existing specialized centres involved in disability prevention and the rehabilitation of disabled persons in Africa;

DETERMINED to utilise these financial contributions for the realisation of the project of ARI as well as for the strengthening of the existing centres, with the technical assistance of the ILO in both areas of endeavour;

HAVE AGREED AS FOLLOWS:-

Part one – The Institute and its objectives

Article I

1. Definition

   The African Rehabilitation Institute (ARI) shall be mainly a social Institute which will utilise the various services and facilities existing in African countries to promote and develop regional or sub-regional

training and research programmes drawn up for rehabilitation and for disability prevention. The Institute shall consist of a central planning and co-ordinating unit and those existing institutions and facilities throughout the African region shall form the decentralised branches of the ARI.

2. Establishment

An Institute to be known as the African Rehabilitation Institute (hereinafter referred to as the Institute) is hereby established by this Agreement. It shall be governed in accordance with the provisions of this Agreement.

Article II – Aims of the Institute

The aim of the Institute shall be to assist the Member States of the Organization of African Unity to:—

a) develop a unified approach for promoting the development of prevention and rehabilitation services;

b) create facilities to satisfy the needs of handicapped Africans who, because of their disability, find it difficult to adopt themselves to the rapidly changing world;

c) promote the development of rehabilitation centres in all the countries of the African continent: to assist them to harmonise as much as possible their basic conceptual principles and work out strategies in the field of rehabilitation of the disabled persons within the African region;

d) create favourable conditions for inter-African co-operation and mutual assistance as part of rehabilitation and strengthening the already existing rehabilitation institutions in various parts of Africa; and utilising them for the training of the manpower required for the development of indigenous rehabilitation activities carried out in Africa;

e) provide an appropriate framework for the establishment and launching of training and research programmes in the field of rehabilitation and other special projects to be carried out at regional level in accordance with the priorities and demands of these countries willing to participate in these regional programmes,

f) create a structure which would encourage and facilitate co-ordinated actions, measures and programmes among the African countries and the various international, governmental and non-governmental donor organizations in all areas of comprehensive rehabilitation development;

g) promote and ensure the exchange of information and experiences among African States and other countries of the world;

h) organise special projects in the field of rehabilitation and disability prevention, with a view to developing indigenous teaching and research facilities and materials.

Part two – Status of the Institute and the staff

Article III – Status of the Institute

1. The Institute shall possess in the territory of each of the Member States of the Organization of African Unity, juridical personality which shall make it independent of the governments of the said States and it shall not be considered as part of any of those governments. The said States shall accord the Institute the status, privileges, immunities and exemptions set forth in the present Agreement.

2. The Institute shall, *inter alia*, have the power to:—

    a) enter into agreements;

    b) acquire, own and dispose of immovable property;

    c) sue.

3. The Institute, its property and assets shall enjoy immunity from every form of legal action except in any particular case where it has expressly waived its immunity, provided however that no waiver of immunity shall extend to any act of execution.

4. The premises of the Institute shall be inviolable. The property and assets of the Institute shall be immune from search, requisition and confiscation as well as from administrative, juridical or legislative action.

5. The archives of the Institute and, in general, all documents belonging to it or held by it, shall be inviolable.

6. a) The Institute, its assets, income and other property shall be exempt from all forms of direct taxes; provided however that such tax exemption shall not extend to the owner or lessor of any property rented by the Institute.

   b) Goods imported by the Institute for official use shall be exempt from customs duties and other levies and from prohibitions and restrictions on imports and exports, it being understood that customs duty may be payable at the appropriate rate on all or any of the articles imported, in accordance with the above sub-paragraph, if such articles are sold or disposed of locally, unless they are sold to persons entitled to purchase such goads duty free.

   c) The Institute shall, in all its transactions, be exempted from taxes, recording fees and documentary taxes.

7. 1. Members of the Conference and Governing Board of the Institute, who are not otherwise officials of the OAU or its specialized agencies and of ILO, attending meetings of, or convened by, the Institute, shall, whole exercising their functions and during their journey to and from the territories of members of the Institute, enjoy the following privileges and immunities:—

      a) immunity from personal arrest or detention and from seizure of their personal and official baggage;

      b) immunity from legal processeses of any kind in respect of words, spoken or written and acts performed by them in their official capacity and such immunity shall continue even after they ceased to be representatives of the members of the Institute;

      c) inviolability of all papers and documents;

      d) the right to use codes and to receive papers or correspondence by courrier or in sealed bags;

      e) exemption in respect of themselves and their spouses from immigration restrictions, alien registration or national service obligations;

      f) the same facilities in respect of currency or exchange restrictions as are accorded to representatives or foreign Governments on temporary official missions; and

      g) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

   2. In this Article, the expression "Member of Conference or Governing Board" shall be deemed to include all representatives, advisers, technical experts and secretaries of delegations.

Article IV

Staff members of the Institute, who are not officials of the OAU or its specialized agencies and of ILO, shall be:—

a) immune from legal process in respect of all actions taken by them in the performance of their functions, including words spoken and written;

b) exempt from taxation on salaries and emoluments paid to them by the Institute;

c) immune from national service obligations;

d) immune together with their spouses and dependent children from immigration and alien registration;

e) accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank in diplomatic missions;

f) given, together with their spouses and dependent children and relatives, the same repatriation facilities in time of international crisis as diplomatic envoys; and

g) shall have the right to import the following articles for their personal use free of duty and other levies imports, prohibition and restrictions within the first two years of arrivals:—

i) their furniture, household and personal effects,

ii) one motor vehicle purchased duty free or from bonded warehouse.

Article V

1. The Contracting Parties undertake to accord all members of the Conference and the Governing Board, all staff members and experts providing advice or assistance to the Institute, such facilities and courtesies as are necessary for the exercise of their functions in connection with the Institute.
2. The privileges and immunities set out in Articles III and IV of this Agreement are accorded to the staff solely in the interest of the Institute and not for their personal benefit, in the dependent exercise of their functions. Consequently, the Executive Director of the Institute shall have the right and duty to waive the immunity of any staff member of the Institute in cases, where in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interest of the Institute.
3. All trainees of the Institute who are not national of the Contracting Parties concerned, shall have the right of entry into, stay in, transit in and exit from the territory of each Member State of the Institute when such entry, stay, transit or exit, is necessary for their training. These rights shall be granted promptly and freely.
4. The Institute shall co-operate at all times with the appropriate authorities of the Member States of the OAU so as to facilitate the proper administration of justice, secure observance of police regulations and prevent the occurence of any abuses in connection with the privileges, immunities and facilities contained in Articles III and IV of this Agreement and in this Article.
5. The Institute shall as soon as practicable enter into an agreement with the Government of the country where its headquarters is situated, and with the governments where the regional centres are situated, concerning the provision of premises, facilities, services, privileges and immunities for the purposes and efficient operation of the Institute and its regional centres.
6. Officials of the OAU and ILO and their specialized agencies performing functions in connection with the Institute shall respectively enjoy appropriate privileges and immunities provided under the Convention and Privileges and Immunities of the OAU, ILO and their specialized agencies, as the case may be.

Part three – Institutional framework and administration of the Institute

Article VI – Organs of the Institute

The Institute shall have the following:—

a) The Conference of African Ministers responsible for Social Affairs;

b) The Governing Board;

c) The Technical Advisory Committee;

d) The General Secretariat of the Institute and the Regional Centres;

e) Such other organs as may be established by the Conference of African Ministers of Social Affairs with the endorsement of the OAU assembly of Heads of State and Government.

Article VII

1. The Conference of African Ministers responsible for Social Affairs (hereinafter referred to as The Conference) shall be the supreme organ of the Institute.
2. The Conference shall consist of the Ministers responsible for Social Affairs in each Member State.
3. The Conference shall:—
    a) determine the general principles and policies of the Institute,
    b) approve the programme of activities, budget and audited accounts of the Institute;
    c) appoint the Executive Director of the Institute;
    d) establish such other organs of the Institute as it may deem necessary for the purpose of achieving the objectives of the Institute, and prescribe rules to govern their operation; and
    e) generally perform such other functions as may be necessary for the attainment of the objectives of the Institute.
4. The Conference shall meet in ordinary session once every two years. It shall meet in extra-ordinary session at the request of a Member State and subject to the concurrence of two-thirds of its members.
5. The Conference shall adopt its own rules of procedure.

Article VIII – The Governing Board: Composition, functions and meetings

1. The Governing Board shall consist of:—
    a) a representative of the OAU appointed by the Secretary-General of OAU who shall be the *ex-officio* Chairman;
    b) a representative of the ILO;
    c) a representative of the ECA;
    d) two representatives from each of the five regions of Africa designated by the Conference for two years in the English aplhabetical order.
2. The Executive Director of the Institute, shall sit as Secretary of the Governing Board, and he shall sit in an advisory capacity. So shall the Directors of the Regional Centres attend under the directives of the Executive Director.
3. The Governing Board shall, subject to such directions as the Conference may give:—
    a) submit for the approval of the Conference the programme of activities, the budget and the audited accounts of the Institute;
    b) appoint the Auditor of the Institute;
    c) propose for the approval of the Conference the contributions to be paid by the Member States;
    d) draw up regulations with respect to the activities of the Institute, the staff, administrative and financial matters;
    e) designate the co-operating States and Organizations which may serve on the Technical Advisory Committee;
    f) consult the Technical Advisory Committee on matters falling within its competence; and
    g) submit annual reports to the Conference on the achievements and activities of the Institute.

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4. The Governing Board shall meet at least once a year.
5. The Governing Board shall adopt its own rules of procedure.
6. At the end of each of its meetings, the Governing Board shall adopt a report which shall be circulated to all Member States and, as appropriate, to States and Organizations with which the Institute has working relations.

Article IX – Technical Advisory Committee: Composition, functions and meetings

1. The Technical Advisory Committee which shall be responsible to the Governing Board, shall consist of:—
    a) a representative of the Secretary-General of the OAU who shall be its *ex-officio* Chairman;
    b) a representative of the ILO;
    c) a representaive of the ECA;
    d) the Executive Director of the Institute;
    e) the Directors of the Regional Centres;
    f) four African specialists designated by the Governing Board of the Centres;
    g) the Executive Secretary of the Association for Social Work Education in Africa;
    h) the Executive Director of ACARISOD;
    i) any other representatives of Member States and Organizations as may be designated by the Governing Board;
    j) such specialists or representatives of institutions, the advice of which may be useful to the Institute, as the Governing Board may consult on any particular matter.
2. The Technical Advisory Committee shall adopt its own rules of procedure.
3. The Technical Advisory Committee shall:—
    a) assist the Executive Director of the Institute in the preparation of the programme of activities and the budget of the Institute;
    b) advise the Governing Board and the Executive Director of the Institute on specific technical matters brought to its attention;
    c) execute such tasks as may be entrusted to it by the Governing Board.
4. The Technical Advisory Committee shall meet as often as may be necessary for the efficient discharge of its functions.

Article X – The Executive Director and the Executive Secretariat of the Institute

1. The Executive Director of the Institute shall be the Head of the General Secretariat of the Institute. He shall, subject to the directions of the Governing Board:—
    a) control and co-ordinate all technical and administrative activities of the Executive Secretariat of the Institute;
    b) recruit, control, promote and terminate appointments of staff members of the Institute in conformity with the Staff Rules and Regulations;
    c) prepare and submit for the consideration of the Governing Board, the programme of activities and budget of the Institute in conformity with financial Regulations of the Institute;

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d) prepare and submit for the consideration of the Governing Board the annual contributions and other special fees to be paid by the Member States;

e) collect and receive contributions, fees and debts due to the Institute as well as contributions from other sources;

f) administer the property and accounts of the Institute;

g) cause proper accounts of the Institute to be kept and ensure their timely auditing and presentation to the Governing Board;

h) represent the Institute in its relations with States, individuals, corporations and other bodies or entities;

i) exercise such powers and discharge such duties as are conferred upon him by this Agreement and perform such other functions as may be delegated to him by the Governing Board;

j) implement the decisions of the Conference and the Governing Board and execute the programme of activities of the Institute;

k) keep abreast of developments in all matters relating to the objectives of the Institute; and

l) prepare for the approval of the Governing Board regulations governing the financial, administrative and other activities of the Institute.

2. The Executive Director of the Institute or any person acting for the time being as such, shall, after consultation with the Governing Board, as appropriate, take decisions on behalf of the Institute for the purposes enumerated in sub-paragraphs (a) and (b) of paragraph 2 of Article III and in Article V of this Agreement.

Part four – Financial provision

Article XI – Financial resources

1. The annual contributions to be paid by the Member States shall be determined by the Governing Board on the basis of the OAU scale of Assessment and submitted to the Conference, for adoption concurrently with the budget of the Institute.
2. Member States of the Institute may be required to make special contributions in kind or in cash, in respect of programmes or projects carried out in their territories. The nature and extent of such contributions shall be determined by the Conference and provided for in agreements entered into by the parties concerned.
3. The timing, mode of payment and currency of contributions in cash shall be determined by the Conference.
4. The Executive Director of the Institute shall submit to the Governing Board at each annual meeting a report on contributions due under paragraphs 1 and 2 of this Article.
5. The Executive Director of the Institute shall, after consultation with the Governing Board, accept gifts, legacies, grants, loans and other contributions in cash or in kind from governmental or national organizations or institutions, and from other sources, provided that such gifts, legaces, grants, loans or other contributions are intended for the furtherance of the objectives of the Institute.

Article XII – Expenses

1. The Executive Director of the Institute may incur expenses for its administrative and operational purposes in accordance with an approved programme of activities and within the limits of a budget of the Institute.

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2. Expenses incurred by representatives of Member States or participating States and Organizations and by their alternates and advisers, as well as expenses incurred by observers, for the purpose of attending meetings of the Conference, the Governing Board, the Technical Advisory Committee or other organs of the Institute, shall be borne by their respective governments or organizations.

Part five – External relations of the Institute

Article XIII – Relationship with the Organization of African Unity

1. The Institute shall maintain a close working relationship with the Secretariat of the OAU which in turn, shall, within rhe limits of its resources, assist the Institute in the achievement of its objectives.
2. Notwithstanding the provisions of this Agreement, the General Secretariat of the OAU shall be entrusted by the Conference with the responsibility of seeking assistance from participating States and Organizations for the implementation of approved projects of the Institute and acting as the executing agency of such projects for which it has been able to obtain assistance.

Article XIV – Relationship with Participating States and Organizations

The Institute shall establish and maintain active co-operation with States of the OAU, inter-governmental organizations and non-governmental organizations or institutions (collectively referred to in this Agreement as "Participating States and Organizations" which are desirous of assisting the Institute in achieving its objectives.

Part six – Final provisions

Article XV – Amendment of the Agreement

1. Any Member State may propose an amendment to this Agreement.
2. No amendment to this Agreement shall be considered by the Conference unless it has been notified to all the members of the Conference at least six months prior to such consideration.
3. The amendment shall take effect only after it is approved by a two-third majority vote of the members of the Conference.

Article XVI – Settlement of disputes

1. Any dispute that may arise concerning the interpretation or application of any of the previsions of this Agreement, which cannot be settled by the parties to the dispute, shall be submitted to the Conference.
2. If the Conference does not reach a decision on the dispute, or if the decision of the Conference is not accepted by the parties to the dispute concerned, either party to the dispute may request that the matter be submitted for arbitration by a Tribunal composed of three members selected in the following manner:—
    a) each party shall nominate an arbitrator;
    b) the third arbitrator, who shall be the Chairman of the Arbitration Tribunal, shall be chosen by common agreement between the Arbitrators nominated by the parties.
3. If the Arbitration Tribunal is not formed within a period of three months from the date of the request for arbitration, anyone of the parties to the dispute may request the Chairman of the Conference to make the necessary nominations, except when the Institute is a party to a dispute, in which case nominations shall be made by the Secretary-General of the OAU.

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4. The decision of the Arbitration Tribunal shall be binding on parties to the dispute.
5. The provisions of Paragraphs 2 and 3 of this Article shall be without prejudice co the choice of any other mode of settlement that the parties concerned may decide upon.

Article XVII – Dissolution

The Institute may be dissolved by agreement of two-thirds of the members of the Conference, at a meeting of the Conference, and, upon such agreement, the Conference shall appoint a sub-committee for the liquidation of the assets of the Institute and prescribe for such a sub-committee its terms of reference.

The decision of dissolution shall take effect only after the approval of the Assembly of Heads of State and Government of the OAU.

Article XVIII – Final and transitional provisions

1. This Agreement of which the Arabic, English and French texts are equally authentic shall be deposited with the General Secretariat of the OAU.
2. This Agreement shall enter into force provisionally when signed by at least nine of the Member States.
3. This Agreement shall enter into force three months from the date of its provisional application if it is ratified, accepted or approved by at least nine of the Member States.
4. The instruments of ratification shall be deposited with the General Secretariat of the OAU and copies thereof with the Executive Director of the Institute.
5. Any member State of the OAU, desirous of becoming a member of the Institute after the entry into force of this Agreement, may do so by depositing with the General Secretariat of the OAU its instrument of accession to this Agreement.
6. The Secretary-General of the OAU shall transmit certified copies of this Agreement and information relating to the ratification of this Agreement to all Member States of the OAU.
7. 1. Upon the entry into force of this Agreement and until the establishment of the General Secretariat of the Institute, the functions of the General Secretariat shall be performed by the OAU in co-operation with ILO and ECA.
   2. However, the OAU General Secretariat, in co-operation with the ILO and ECA, shall, for at least the first three years, continue to give its support to the Institute until it takes off the ground effectively.

IN WITNESS WHEREOF, the undersigned, representing the Governments of their respective States, have signed this Agreement.

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